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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,162	02/12/2002	Brian N. Tufte	1076.1101103	6734

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EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/074,162

Applicant(s)

TUFTE, BRIAN N.

Examiner

Guiyoung Lee

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2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on

2. Claims 1-4, 6-7, 10-11, 13, 15-19, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Gagne (USPT 5,499,170).

Re claims 1, 11, 13, and 16: Gagne teaches a lighting apparatus for receiving an elongated source having an elongated member including a first material (82 in Fig. 1) and a second material (55), the first material being at least semi-transparent and the second material being substantially non-transparent, the elongated member having a cavity (the cavity below 97 in Fig. 1) for receiving the elongated electro-luminescent light (90 in Fig. 1).

Re claims 2 and 17: Gagne discloses the cavity is at least partially defined by at least a portion of the second material (See 56 in Fig. 1).

Re claims 3-4 and 18-19: Gagne discloses that the second material is at least partially reflective (65 and col. 3, line 42).

Re claims 6 and 21: Gagne teaches a lens (97).

Re claims 7 and 22: Gagne discloses a slit (62 in fig. 1).

Re claims 10 and 15: Gagne teaches that the first material and the second material are separately formed (See Fig. 1).

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagne as applied to claims 1 and 16 above, and further in view of Hotta (USPT 5,711,592). The teachings of Gagne have been discussed above.

Re claims 5 and 20: Gagne does not teach that the shaped surface is parabolic in shape. Hotta discloses a parabolic reflector (15 in Fig. 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gagne's shaped surface into a parabolic shape as suggested by Hotta in order to redirect light more efficiently.

5. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagne as applied to claims 1 and 16 above, and further in view of Chien (USPT 5,775,016). The teachings of Gagne have been discussed above.

Re claims 8 and 23: Gagne does not teach that the portion of the first material extends to two or more separate outer surface regions of the elongated member. However, Chien discloses several sections of illuminated areas (See 17' in Fig. 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to divide Gagne's outer surface into two or more separate outer surface regions as suggested by Chien in order to provide several separate illuminating areas.

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6. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagne as applied to claims 1 and 13 above, and further in view of Stowe, Jr. (5,523,923). The teachings of Gagne have been discussed above.

Re claims 9 and 14: Gagne does not teach the first material and the second material are integrally formed. However, Stowe, Jr. discloses an integrally formed housing (Fig. 3). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gagne's apparatus into an integrally formed apparatus as suggested by Stowe, Jr. in order to simplify the process of making the apparatus.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagne as applied to claim 1 above, and further in view of Johnson et al. (USPT 4,947,293) cited by Applicant.

Re claim 12: Considering the limitation of claim 12 that is a linear emitting fiber, although Gagne does not teach a linear emitting fiber. However, Johnson discloses a linear emitting fiber (13 and 14 in Fig. 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Johnson's linear emitting fiber with Gagne's electro-luminescent light in order to provide improved clearance lighting.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is **(703) 308-8567**. The examiner can

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normally be reached between the hours of 8:00 AM to 3:30PM  
Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703)872-9318 (before final rejection), (703)872-9319 (after final rejection). The Right Fax phone number for the examiner is (703)746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Guiyoung.lee@uspto.gov].

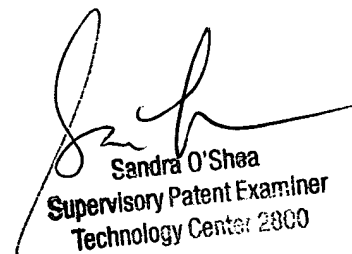
*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

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April/03/2003



Sandra O'Shea  
Supervisory Patent Examiner  
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